

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

BABY DOE *et al.*,

Plaintiffs,

v.

MAST *et al.*,

Defendants.

Civil Action No. 3:22-cv-49

Declaration of Colonel Joseph M. Fairfield

I, Colonel Joseph M. Fairfield hereby state as follows:

1. I am a Colonel in the United States Army with over 24 years of active service as a Judge Advocate. I currently serve as the Principal Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff. I have served in this position since 24 June 2022. My primary duty station is at the Pentagon in Washington, D.C.

2. The Joint Chiefs of Staff (JCS) consist of the Chairman, the Vice Chairman, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the Chief of the National Guard Bureau and the Chief of Space Operations. The collective body of the JCS is headed by the Chairman of the Joint Chiefs of Staff, who is the senior ranking member of the Armed Forces. As such, he is the principal military advisor to the President, the Secretary of Defense and the National Security Council, as well as the various U.S. military commands around the world.

3. The Legal Counsel to the Chairman of the Joint Chief of Staff, by statute, is appointed to provide independent legal advice to the Chairman and to the Joint Chiefs of Staff on national security matters, including legal advice on all U.S. military operations. 10 U.S.C. § 156. The current Legal Counsel is Brigadier General Robert A. Borcharding, U.S. Army, and his staff consists of 21 judge advocates, civilians and paralegals. I serve as Brigadier General Borcharding's principal deputy. In this capacity, I perform the same duties as General Borcharding relative to providing legal advice on a daily basis to members of the Joint Staff and their teams, which includes the Chairman, Vice chairman and the Director of the Joint Staff. I also assist General Borcharding by overseeing the day-to-day operations of the office by, among other things, reviewing all legal products and reports and ensuring all required tasks are completed properly and in a timely manner. In the absence of the Legal Counsel, I attend meetings and participate on his behalf in activities and high-level meetings and events within the Pentagon.

4. Due to the nature of my position as Principal Deputy Legal Counsel and the rapidly-changing worldwide operational tempo, I am extremely busy with my supervisory role and with providing legal advice on a variety of critical topics. I am often called on to provide that advice in matters that have arisen quickly and which require immediate action. These issues frequently arise outside of standard business hours, which effectively requires me to be ready to perform my duties at any time. Participating in a deposition and engaging in preparation in advance of that deposition would take me away from these essential duties.

5. Additionally, effective July 1, 2024, I am being reassigned to serve as the Staff Judge Advocate at U.S. Central Command (USCENTCOM) at MacDill Air Force Base in Tampa Florida. USCENTCOM is responsible for directing and enabling military operations and activities with allies and partners to increase regional security and stability in support of enduring U.S. interests in 20 nations in the Middle East, Central and South Asia and the strategic waterways that surround them. As the Staff Judge Advocate, I will be the primary legal advisor to the Commander, USCENTCOM, and will also oversee an office of 17 attorneys, paralegals and staff whose role is to deliver full-spectrum legal support in support of USCENTCOM's mission. The part of the world which falls under USCENTCOM's area of responsibility is vital to our national interests but faces an extremely volatile security situation. As the lead legal advisor to the Commander, USCENTCOM, I will be providing legal and policy advice on issues relating to, among others, deterring Iran's malign activities, countering violent extremist organizations, and fostering relationships with senior civilian and military leaders from countries within the area. Issues in this part of the world often arise quickly and will need to be addressed by me and the staff I oversee with little advance notice. Participating in a deposition and engaging in preparation in advance of that deposition would take me away from these essential duties.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on May 31, 2024


JOSEPH M. FAIRFIELD, Colonel
U.S. Army